THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.21135 OF 2005

Dt:28.09.2005

Between:

M/s. Sree Industries

.. Petitioner

and

A.P., Industrial Infrastructure Corporation

Limited and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.21135 OF 2005

ORDER:

The petitioner claims to have purchased certain premises within the jurisdiction of the third respondent from respondents 1 and 2, through a registered sale deed, dated 24.06.1989. It claims to have made construction on it, in accordance with the relevant provisions of law. The grievance of the petitioner is that the third respondent is taking steps to demolish the premises without initiating any proceedings under the

Andhra Pradesh Municipalities Act (for short 'the Act').

The learned counsel for the petitioner submits that even if any construction is undertaken contrary to the provisions of the Act, the third respondent can take steps against such construction only, after following the procedure prescribed under the Act. He contends that as of now, the third respondent has not issued any notice and in that view of the matter, it cannot be proceeded against the structures.

The learned standing counsel for the third respondent, on the other hand, submits that the petitioner has constructed a three-storied building in an industrial area and is running a Super Market, which is unconnected with any industry. It is also his case that the petitioner has raised the level of the substantial portion of the area earmarked for widening of the road and that the Municipality has required him to remove it.

As of now, the third respondent has not issued any notice to the petitioner. Therefore, he cannot demolish any structures raised by the petitioner. It shall always be open to the third respondent to issue notice in case he finds that the construction made by the petitioner is contrary to the Act or the Rules made there under. So far as the open area is concerned, it is always open to the third respondent to resume possession to the extent, which is earmarked for road, and remove encroachments thereon.

Hence, the writ petition is disposed of directing that:

a. it shall be open to the third respondent to remove any construction only after issuing notice in accordance with the provisions of the Act.

b. so far as the open area earmarked for roads is concerned, it shall be open to the third respondent to resume possession thereof, if necessary, by removing any encroachments thereon.

c. there shall be no order as to costs.

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28.09.2005

kdl